

V. JAMES DESIMONE (SBN: 119668)
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Attorneys for All Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREN SUTHERLAND, et al.

Plaintiffs,
vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-01855-WBS-AC

**STIPULATION RE CELL PHONE
EVIDENCE;
[PROPOSED] ORDER**

1 All parties, through their counsel of record, enter into this Stipulation.

2 RECITALS

3 A. On September 29, 2023, Defendants' counsel deposed third party witness
4 Brian Roa, in the presence of Plaintiffs' counsel, and Mr. Roa delivered his cell phone to
5 Defendants' counsel so Defendants' counsel could have the information on it extracted.

6 B. Information from the cell phone may be relevant, and one or more parties
7 may want to use such information at trial or in connection with a motion.

8 C. Defendants' counsel hired a third party professional, Jim Cook, Premier
9 Cellular Mapping & Analytics, P.O. Box 187, Ripon, California 95366;
10 telephone: (209) 606-2665; email: jim@premiercma.com, to extract the information from
11 Mr. Roa's phone using Cellebrite software, and Mr. Cook performed this service.

12 D. On December 13, 2023, Defendants' counsel provided Plaintiffs' counsel
13 with a copy of their Cellebrite extraction of Brian Roa's phone. Accordingly, both sides'
14 counsel now have identical information with respect to Mr. Roa's cell phone.

15 E. Defendants' counsel want to return Mr. Roa's cell phone to him and
16 Plaintiffs' counsel do not object to that.

17 F. The parties wish to leave open the possibility of offering evidence from the
18 cell phone without actual possession of the cell phone.

19 STIPULATION

20 The parties, through their undersigned counsel of record, agree as follows:

- 21 1. Defendants' counsel will return Mr. Roa's cell phone to him.
22 2. Any party may offer evidence from Mr. Roa's cell phone at trial or in
23 connection with any motion without actual possession of the cell phone.

3. No party waives any other objection or challenge to the admissibility of evidence from their respective Cellebrite extractions of Mr. Roa's phone.

Dated: January 18, 2024

HERUM CRABTREE SUNTAG, LLP

By: /s/ Joshua J. Stevens

DANA A. SUNTAG

JOSHUA J. STEVENS

Attorneys for all Defendants

Dated: January 18, 2024

V. JAMES DESIMONE LAW

By: /s/ Jenica P. Leonard

V. JAMES DESIMONE

RYANN E. HALL

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Attorneys for all Plaintiffs

[PROPOSED] ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows: the relief the parties request is GRANTED.

IT IS SO ORDERED.

Dated: January 24, 2024



HON. ALLISON CLAIRE
United States Magistrate Judge